

Chambers Copy**PLAINTIFFS' NOVEMBER 9, 2008 DESIGNATION OF DEPOSITION TESTIMONY OF ROGER PELL**

(Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition May 27 -28, 2005

Page/Line Cite	Defendants' Objections and Counter-Designations	Plaintiffs' Responses to Defendants' Objections and Objections to Counter-Designations	Defendants' Cross-Examination Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Counter-Designations
All	Defendants object to the testimony of this witness in its entirety and request that the witness be precluded from testifying. As shown below by plaintiffs' designation (12:10-14), the witness did not begin employment with CNL until August 1998, after the Parabe incident. Most of his testimony was regarding the Opia/Ikenyan incident. Because the witness has no personal	Mr. Pell's testimony is relevant and admissible to establish CNL's practices during the 1998 time period with respect to a variety of matters, including CNL's lease of Seatrucks and other vessels. This is relevant to Parabe as the Illaje detained on the barge were put in boats, taken to Escravos and transferred to a CNL-leased Seatruck before being taken to prison by the GSF who			

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	<p>percipient knowledge regarding the events or timeframe of this case, his testimony is irrelevant, misleading, and unfairly prejudicial. FRE 401-403. Plaintiffs have deposed and designated testimony from the Escravos logistics superintendent for the relevant time period (Larry Neves).</p> <p>If post-Parabe evidence is allowed in against defendants, then defendants should be able to put in evidence</p>	<p>attacked the barge on helicopters on May 28. There they were beaten and tortured.</p>			

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	of ethnic group violence that was driving the need for protection. FRE 401-403				
4:3-5					
12:10-14					
48:6-9					
110:4-7	110:4-7, FRE 401-403: Prejudicial, misleading. If objection not sustained, defendants designate 110:15-21. <i>OK</i>	Pell's testimony that he was told by Davis that CNL had refused requests by GSF to use chartered boats is admission of party defendant that CNL			

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but add 110:10-21

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113:20-115:12	Testimony is irrelevant, misleading, and unfairly prejudicial because the testimony solely relates to the post-Parabe time period (the deponent did not begin employment with CNL until August 1998). FRE 401-403.	Testimony about housing and accommodations provided to GSF at Escravos relevant to prove cooperation and control issues. Continuing existence of these accommodations/quart-ering practices throughout 1998 and failure to separately account for expenditures relevant	had control over boats, not GSF or NNPC. No reference to Opia/Ikenyan incident.		
	Testimony regarding the military and police stationed at Escravos				

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	post-Parabe is irrelevant, misleading, and unfairly prejudicial, particularly because violence had escalated in the post-Parabe period and CNL required greater military protection. If post-Parabe evidence is allowed in against defendants, then defendants should be able to put in evidence of ethnic group violence that was driving the need for protection. FRE 401-	also to show ratification.			

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204:7-205:2, 205:17-25, 206:8-17	204:7-205:2: Counsel colloquy is irrelevant and counsel is reading from a document or explaining her numbering of the exhibit which is irrelevant and confusing. FRE 401-403, 1002. <i>205:17-25: Authentication of a contract for November 1998 is irrelevant because it post-dates</i>	Testimony regarding Seatrucks is relevant to Parabe as Illaje protestors were taken to Escravos, transferred to a CNL leased Seatruck and taken from there to Warri where they were beaten and tortured.			
	403.				

*Supp 7-19
 204:7-205:2
 205:17-25
 206:8-17*

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	Parabe. FRE 401-403. Testimony about Seatrucks contracts is irrelevant and misleading because no Seatrucks were involved in Parabe and the contract post-dates Parabe. FRE 401-403.				
			206:18-207:3		
207:4-7	Testimony about Seatrucks contracts is irrelevant and misleading because no Seatrucks were involved in Parabe and the contract post-dates Parabe. FRE 401-403.	Testimony regarding Seatrucks is relevant to Parabe as Illaje protestors were taken to Escravos,			

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	involved in Parabe and the contract post-dates Parabe. FRE 401-403.	transferred to a CNL leased Seatruck and taken from there to Warri where they were beaten and tortured.			